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"SERVING 72,000 ACRES IN THE YAKIMA VALLEY"



Roza Irrigation District

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May 25, 2004

Dockets Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street S.W.
Washington, DC 20590-0001

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U.S. DEPARTMENT OF TRANSPORTATION
DOCKETS

RE: Comments For RSPA-04-17167 - 5

Roza Irrigation District is requesting regulatory flexibility from the recently revised 49 CFR 173.226(a) which states (materials poisonous by inhalation) will be transported in seamless specification cylinders conforming to the requirements of 173.40, as well as other provisions within 49 CFR 173.40.

The Roza Irrigation District uses acrolein for the control of aquatic weeds and algae in our entire distribution system. It is a very valuable tool in controlling submersed aquatic weeds and algae to allow for the efficient operation of the irrigation system so that the canals can deliver the water to our landowners with no interruption in service. The District is not going to receive a full water supply this season and therefore we must deliver the water as efficiently as possible. Because of the economic downturn impacting the agriculture industry we must operate our facility and keep operating costs at a minimum.

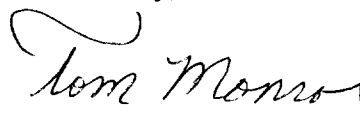
There are no other aquatic herbicides that work as well as Magnacide H does in flowing irrigation water. The District uses 4BW240 cylinders, which are manufactured of carbon steel, for applications on our smaller canals. Converting our operations to utilize another form of packaging would be a major expense and those increased costs would be passed on to our customers. The current size of the cylinders contain a volume that is appropriate for the applications for which they are used. With fewer connections and disconnections there is less risk to our personnel. The current size of the cylinders allows our employees to install the application equipment and operate the valving at a safe and comfortable height. Any design change will impact our application equipment, procedures and established safety programs with acrolein.

Great efforts have been made in equipment design, maintenance, and inspection, as well as in safety training for all employees involved in the application of acrolein. It is our understanding that the new 3B cylinders would be very expensive and they can not be constructed to meet applicator safety requirements. In order for the new style cylinders to be able to hold the same amount of product they would be six to seven feet tall. This would be too tall to work with safety in the field. The use of a drum in a drum would be too bulky and difficult to handle. Furthermore, the structural integrity of the drum in a drum is no comparison to that of the 4BW240 cylinder.

We also feel strongly that the pressure relief device utilized by Baker Petrolite should remain in place at all times for the highest level of safety.

Roza Irrigation District believes there should be regulatory flexibility from the recently revised 49 CFR 173.226(a) as well as other provisions with 49 CFR 173.40. The 4BW240 cylinders have been used to ship acrolein without risk to property and safety for many years. We have developed processes using the 4BW240 cylinders that would be cost or time effective to change. The impact of the new style of cylinder would be very costly to our supplier and would ultimately effect our operations. We realize the importance of increasing the safety of transporting hazardous materials that are poisonous by inhalation, but would ask that you carefully evaluate the impacts that the change in cylinder specification will have on the agricultural industry that utilize acrolein. We are receptive to finding the safest and most practical resolution to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tom Monroe". The signature is fluid and cursive, with a large, stylized initial "T" and "M".

Tom Monroe
Manager

TM:mm